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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,025	08/14/2000	Ashok N. Rudrapatna	RUDRAPATNA-8	8832

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CLAUDE R. NARCISSE, ESQ.  
GREENBERG TRAURIG LLP  
METLIFE BUILDING  
200 PARK AVENUE  
NEW YORK, NY 10166

EXAMINER
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NGUYEN, TU X

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/638,025	<b>Applicant(s)</b> RUDRAPATNA, ASHOK N.	
	<b>Examiner</b> Tu X Nguyen	<b>Art Unit</b> 2618	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 30-38 is/are pending in the application.
- 4a) Of the above claim(s) 1-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-37 is/are rejected.
- 7) ☒ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
     a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 30-38 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 30, 31, 33 and 35 and 37, are rejected under 35 U.S.C. 102(e) as being anticipated by Thomas (US Patent 6,697,642).

Regarding to claim 30, Thomas discloses a method of communicating comprising the step of:

modifying at least one antenna's beam width based on received radio resource (see col.1 lines 40-45) allocation instructions for signals to be transmitted and/or receive by the at least one antenna (see fig.10a, col.11 line36 through col.12 line 50).

Regarding claim 31, Thomas discloses receiving information related to at least one or any combination of the following:

- (a) location of a mobile in communication with the at least one antenna;
- (b) SNR of signals conveyed between the at least one antenna and the mobile (see col.8 lines 9-10);
- (c) data rate of signals conveyed between the at least one antenna and the mobile;

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processing the received information to generate radio resource allocation instructions (see col.9 lines 11-15); and

conveying the radio resource allocation instructions to a beamformer coupled to the at least one antenna (see col.8 lines 14-16).

Regarding claims 33, 35 and 37, Thomas discloses at least one antenna is part of a wireless communication system and the beam width of the at least one antenna of a forward link of the communication system is modified (see col.8 lines 50-65).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 32, are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas.

Regarding dependent claim 32, Thomas disclose the radio resource allocation instructions comprises information related to data rate of the signals (see col.1 lines 25-26), SNR of the signals (see col.8 lines 7-8), power level of the signals (see col.8 lines 9-10). However, Thomas fails to disclose location information of a mobile. The Examiner takes an Official notice is taken that the concept location information of a mobile is well known in the art. It would have been obvious location information of a mobile is useful in order to penetrate the beam for high quality service such as maximize data rate and maximized power initialization of downlink communication.

6. Claims 34, 36 and 38, are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas in view of Carloni et al. (US Patent 5,815,115).

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Regarding claims 34, 36 and 38, Thomas fails to disclose at least one antenna is part of a wireless communication system and the beam width of the at least one antenna of a reverse link of the communication system is modified.

Carloni et al. disclose at least one antenna is part of a wireless communication system and the beam width of the at least one antenna of a reverse link of the communication system is modified (see col.2 lines 41-49, col.8 lines 31-41). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Thomas with the above teaching of Carloni et al. in order to provide modifying antenna beam to achieve high data rate transmission.

### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed Tu Nguyen whose telephone number is 571-272-7883. The examiner can normally be reached on Monday through Friday from 6:30AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



May 17, 2006



5-26-2006

NGUYEN T. VO  
PRIMARY EXAMINER